GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Surprise Check conducted over the Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District on 21-12-2013 – Allegations of Corruption – Common disciplinary proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Article of Charges framed against Sri P. Mallikarjuna, Deputy Commercial Tax Officer, Commercial Taxes Department - Orders – Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.781 **Dated:06-06-2018**
Read:

G.O.Ms.No.293, Revenue (Vigilance – II) Department, Dt:06-06-2018.

******

O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference read above, it is considered necessary to hold an enquiry against Sri P. Mallikarjuna, Deputy Commercial Tax Officer, Commercial Taxes Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri P. Mallikarjuna, Deputy Commercial Tax Officer, Commercial Taxes Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri P. Mallikarjuna, Deputy Commercial Tax Officer, Commercial Taxes Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri P. Mallikarjuna, Deputy Commercial Tax Officer, Commercial Taxes Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Contd.,2

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

To

Sri P. Mallikarjuna, Deputy Commercial Tax Officer, Commercial Taxes Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District (w.e, Annexures-I to IV) **through** the Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

The Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada.

Copy to

The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

The Revenue (Commercial Tax-I) Department.

SF / SC.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-I

ARTICLE OF CHARGES FRAMED AGAINST SRI P MALLIKARJUNA, DCTO, COMMERCIAL TAX DEPARTMENT, ADMINISTRATIVE OFFICER OF INTEGRATED CHECK POST, BV PALEM, TADA MANDAL, SPSR NELLORE DISTRICT

That Sri. P.Mallikarjuna, Deputy Commercial Tax Officer, while working as Administration Officer, Integrated Check Post, BV Palem, Tada Mandal was appointed Assistant Commercial Tax Officer, on 26-02-2005 and got periodical promotions and worked as Deputy Commercial Tax Officer (Administration Officer) Integrated Check Post, BV Palem, Tada Mandal from 02-03-2013. While he was working as Deputy Commercial Tax Officer (Administrative Officer) Integrated Check Post, BV Palem, Tada Mandal has committed grave misconduct in as much as:-

CHARGE:-That Sri P.Mallikarjuna, Deputy Commercial Tax Officer while working as Administrative Officer, Integrated Check Post, BV Palem, Tada Mandal while working as thus exhibited gross negligence of duty and slack supervision over his subordinates of Transport, Commercial Tax and other departments of Integrated Check Post, BV Palem allowed them to engage six private persons for collecting bribes, got bribes collected from the crew of the vehicles for ignoring their violations allowed his subordinates to keep the unaccounted amount in the check post premises and also allowed check post officials to keep excess amount with them than the amount declared.

Thus, Sri P Mallikarjuna, Deputy Commercial Tax Officer, (Administrative Officer) by the above mentioned acts has exhibited slack supervision, lack of integrity, devotion to duty and exhibited gross negligence of duty and slack supervision over his subordinates and thereby violated Rule 3 (1) (2) & (5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI P MALLIKARJUNA, DEPUTY COMMERCIAL TAX OFFICER, COMMERCIAL TAX DEPARTMENT, ADMINISTRATIVE OFFICER, INTEGRATED CHECK POST, BV PALEM, TADA MANDAL, SPSR NELLORE DISTRICT.

That Sri P. Mallikarjuna, Deputy Commercial Tax Officer, Commercial Tax Department, Integrated Check Post, BV Palem, Tada Mandal is a native of Nellore, SPSR Nellore Dist and he joined in Government Service on 26-02-2005 as Assistant Commercial Tax Officer(U/T) and promoted as Administrative Officer, and worked at Integrated Check Post, BV Palem, Tada Mandal from 02-03-2013. His date of birth is on 15-06-1975 and date of retirement on attaining the age of superannuation is 30-06-2035. He is here-in-after referred to as Government Servant.

CHARGE:-That Sri P.Mallikarjuna, Deputy Commercial Tax Officer while working as Administrative Officer, Integrated Check Post, BV Palem, Tada Mandal while working as thus exhibited gross negligence of duty and slack supervision over his subordinates of Transport, Commercial Tax and other departments of Integrated Check Post, BV Palem allowed them to engage six private persons for collecting bribes, got bribes collected from the crew of the vehicles for ignoring their violations allowed his subordinates to keep the unaccounted amount in the check post premises and also allowed check post officials to keep excess amount with them than the amount declared.

FACTS AND EVIDENCE:-

On credible information that the officers and staff of Integrated Check Post, B.V.Palem, Tada Mandal SPSR Nellore District are indulging in corrupt practices and collecting mamools from the crew of vehicles plying through Integrated Check Post, B.V.Palem, a surprise check was conducted over transport wing, prohibition and excise wing, commercial taxes incoming and outgoing wings of Integrated Check Post, B.V.Palem on 21-12-2013 from 00-30 hrs to 06-00 hrs with four teams headed by the Deputy Superintendent of Police, Anti Corruption Bureau, Nellore Range, Nellore in the presence of mediators. The surprise check revealed the following irregularities and violations. The officials of Commercial Tax Wing engaged private persons and collecting mamools ranging from Rs.50/- to Rs.3,000/- from the crew of the vehicles as usual practice for ignoring the violations of M.V.Act, and other relevant acts. An unaccounted amount of Rs.60,880/- was seized from the private persons who were engaged by the staff of the Commercial Tax Wing by the Deputy Superintendent of Police in the presence of the mediators. Likewise an unaccounted amount of Rs.2,540/- and amount of Rs.3,965/- found behind the iron almarah situated in the outgoing check post and also Rs.2,000/- from A.Sunil Kumar and B.Adireddy respectively. The Government Servant who was acting as Administrative Officer, Integrated Check Post, BV Palem who was all over incharge of the Integrated Check Post, Bhimunivari Palem failed to monitor the check post properly and allowed the officials to collect mamools from the crew of the vehicles through his subordinates and also allowed the subordinates to keep the unaccounted amount in the check post premises and also the excess amount than the amount declared in the personal cash registers of the officials. Being the supervisory authority he has to check each wing of the check post of the departments concerned and also verify the concerned records and P.Malli Karjun, Deputy Commercial Tax Officer failed to discharge his duties and allowed the irregularities in the said check post and also allowed the staff concerned collecting mamools through private persons and as such he has exhibited gross negligence of duty and slack supervision over the subordinates of Transport, Commercial Tax and other departments of Integrated Check Post, BV Palem and himself rendered for the departmental action under rule 3(1)(2) and (5) of Andhra Pradesh Civil Services Conduct Rules 1964.

Contd.,2

Thus the Government Servant Sri P.Mallikarjuna, Deputy Commercial Tax Officer (Administrative Officer) of Integrated Check Post, B.V Palem, Tada Mandal by his above-mentioned acts has exhibited slack supervision, lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1)(2) & (5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus the Government Servant has therefore rendered himself liable for departmental action for his misconduct.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE III

LIST OF WITNESSES

1. Sri kallagiri Ramesh Babu S/o Nagi setty, Age: 27 Years, Gandigovuru Village,YSR Kadapa District.

2. Sri N. Bala Veera Reddy S/o Pulla Reddy, Vallampadu Village, Koyalagunta, Khammam District.

3. Sri Goli Chandra Sekhar Rao S/o Ramanjaneyulu, Age: 46 Years. Old Mangalagiri, Guntur District.

4. Sri Sunkara Samba Siva Rao S/o Brahmaiah, Age: 49 Years, Ramavarappadu, Krishna District.

5. Sri Tottempudi Venkata Rao S/o Venkateswarlu, Age: 35 Years, Caste: Mala, K.V.Agraharam, Chimakurthy Mandal, Prakasam District.

6. Sri Polini Srinivasa Rao S/o Tirupathi Rayudu, Age: 49 Years, Caste: Kamma, Avulavari Palem, Singarayakonda, Prakasam District.

7. Sri DSR Manohar Rao S/o Venkata Subbaiah, Age: 46 Years, Senior Assistant, Panchayat Raj Division, Ongole, Prakasam District.

8. Sri M.V. Siva Prasada Rao S/o Venkata Subbaiah, Age: 48 Years, Assistant Executive Engineer, Panchayat Raj, Ongole, Prakasam District.

9. Sri K. Subba Rao S/o Mastan, Age: 53 Years, Work Inspector, Panchayat Raj, Ongole, Prakasam District.

10. Sri SJ Sadiq S/o SK Mahaboob, Age: 50 Years, Assistant Executive Engineer, Panchayat Raj, PIU Sub-Division, Ongole, Prakasam Dist.

11. Sri K.Venkateswarlu, Inspector of Police, Anti Corruption Bureau, Nellore.

12. Sri M. Krupanandam, Inspector of Police, Anti Corruption Bureau, Nellore.

13. Sri T.V. Srinivasa Rao, Inspector of Police, Anti Corruption Bureau, Nellore.

14. Sri J.Bhaskara Rao, Deputy Superintendent of Police, Anti Corruption Bureau, Nellore.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE -IV

LIST OF RECORDS

1. Duty Register (Attendance register) of Integrated Check Post, B.V.Palem.

2. Revised duty chart of AMVI's, Integrated Check Post, B.V. Palem for the month of December.

3. Attendance Register 2013, B.V.Palem Check post of Excise Department.

4. Duty Register 2013 of Proh & Excise Department, B.V.Palem Check Post.

5. Personal Cash Register.

6. Mediators report drafted on 21.12.2013 for the surprise check conducted over the Integrated Check Post, B.V. Palem, Tada Mandal, SPSR Nellore District.

7. Service Particulars and Job chart of SO.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER